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10/509,858	10/01/2004	Kurt Scheffe	HM-605PCT	4317
40570 7590 10/15/2007 FRIEDRICH KUEFFNER 317 MADISON AVENUE, SUITE 910 NEW YORK, NY 10017			EXAMINER HANNON, THOMAS R	
			ART UNIT 3682	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/509,858
Filing Date: October 01, 2004
Appellant(s): SCHEFFE ET AL.

MAILED

OCT 15 2007

GROUP 3600

Friedrich Kueffner
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed September 4, 2007 appealing from the Office action mailed August 14, 2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

The statement of the status of claims contained in the brief is correct.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

1,986,027

Talbot

1-1935

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

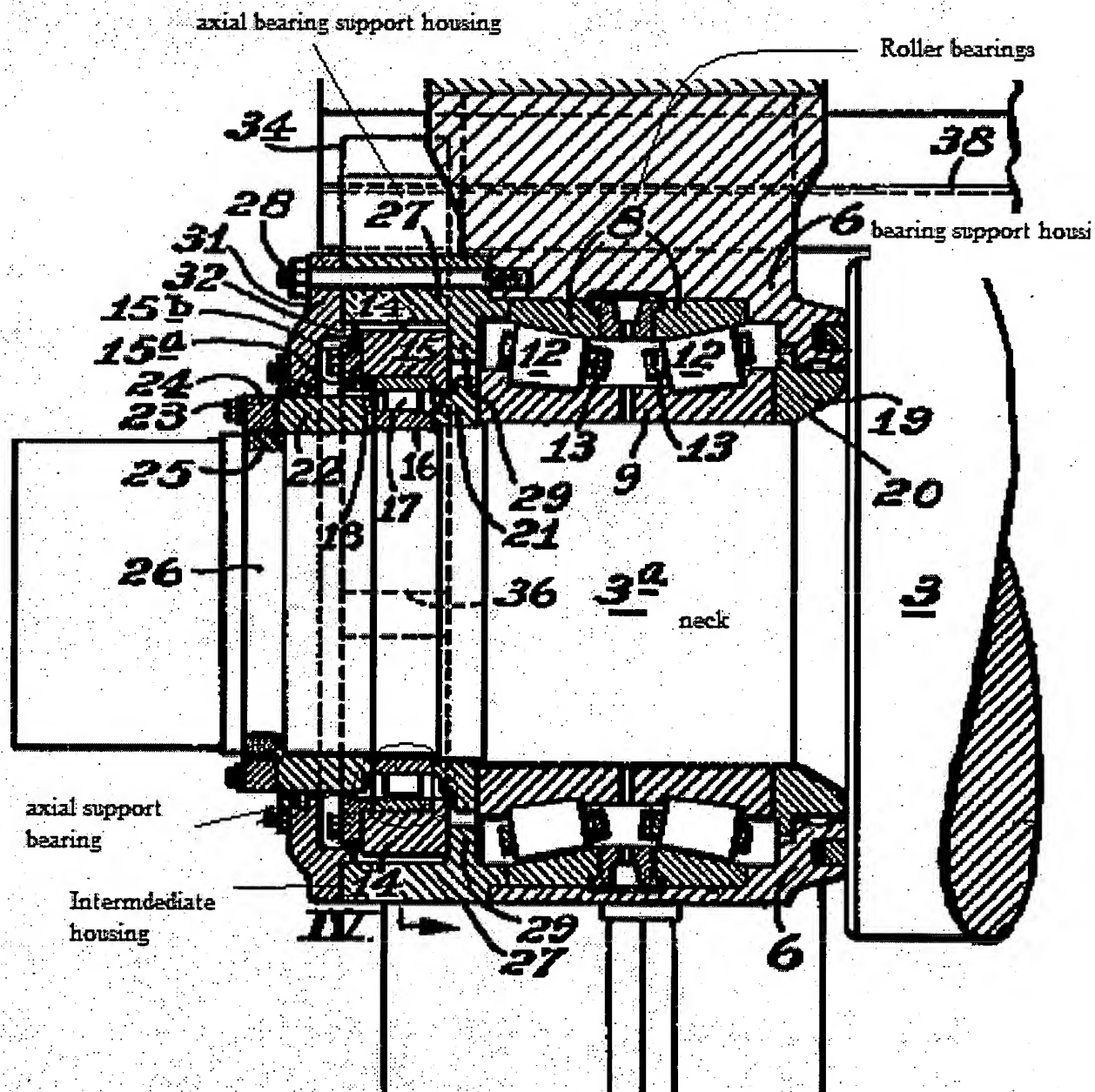
The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

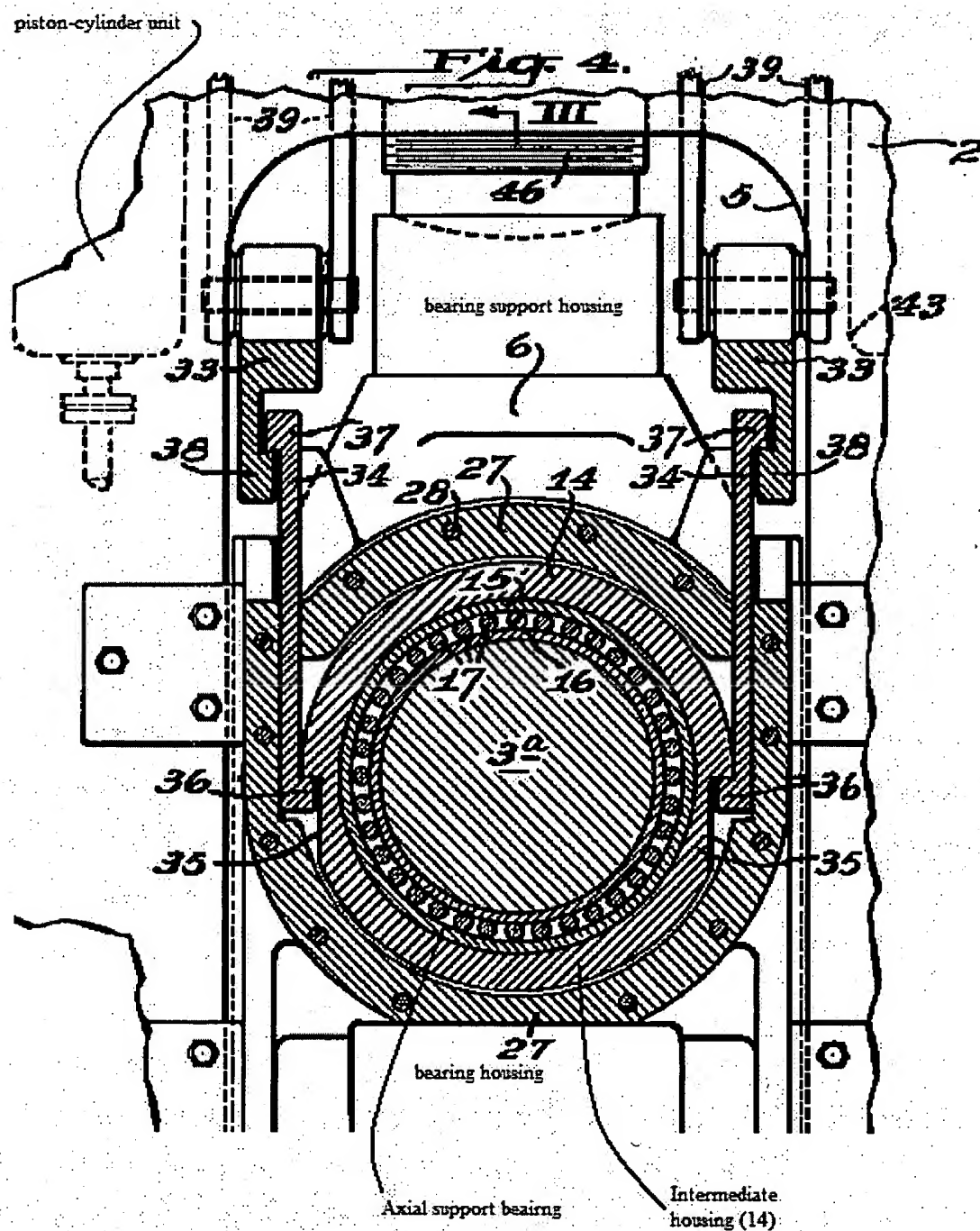
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Talbot US 1,986,027. Talbot discloses a device for controlling contact rolls, having a neck (3a) supported in roller bearings (8) in a bearing support housing (6) of a roll stand, the neck having a neck extension (column 2, line 40) which is supported in an axial support bearing (15, 16, 17, and column 2, lines 48-50) the support bearing having a bearing housing (27) which is connected externally (by bolts 28) to the bearing support housing, and intermediate housing (14) which is inserted into the bearing housing and cylindrically encloses the axial support bearing, and a piston-cylinder unit (42, 43) operatively arranged for adjustably displacing the intermediate housing in the bearing housing in a radial direction relative to the axis of the neck extension.

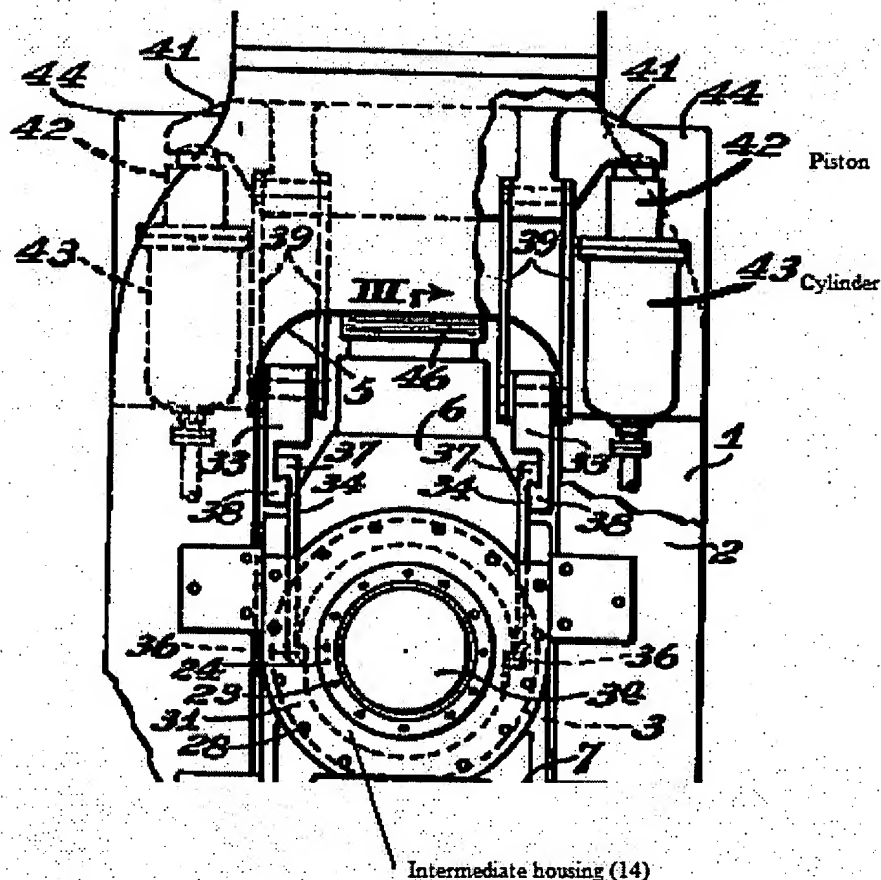
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With respect to claim 2, the piston-cylinder unit shown in Figure 1 consists of an internal cylindrical recess (inner surface of cylinder 43), which extends radially relative to the axis of the bearing housing enclosing the intermediate housing, and a floating piston (42) which can be displaced in the cylindrical recess and actuated by a hydraulic medium.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Talbot.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the roll mounting such that the teaching of hydraulically actuated secondary bearings are utilized with hydraulic oil film bearings, because the use of oil film bearings in roll mills is notoriously old and well known, the teachings of Talbot being equally applicable to such oil film bearings, such as to minimize the bearing play in the oil film bearing.

(10) Response to Argument

Appellant's first argument is that "Talbot and the present invention are based on different objectives. Talbot has the objective of preventing so-called hammering of the upper support rolls, while the present invention adjusts the contact plane of this roll on the working roll." While this may be the case, the argument does not explicitly state what element of the claim is not found in Talbot. The objective of the prior art reference does not have to be identical to the disclosed invention for the claim to be properly anticipated, only that each and every claim limitation be found in the prior art.

Appellant states "Although Talbot and the present invention both provide additional external bearings on the neck of the roll and impart radial pulling forces on the bearing, Talbot does so in a manner different than the presently claimed invention." Here Appellant is incorrect. Talbot does not do so in a manner different from *the claimed invention*. The specific claim language directed to the piston-cylinder unit is found in the last four lines of the claim and specify only: "a piston-cylinder unit (RB, SK) operatively arranged for adjustably displacing the intermediate housing in the bearing housing in the radial direction relative to the axis of the neck extension." As noted in the rejection and agreed to by Appellant "Talbot uses projections 36, 37

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arranged in a window in the roll stand 2.” The projection 36, 37 grasp the auxiliary chuck 14, corresponding to the claimed intermediate housing, which houses a bearing 16, corresponding to the claimed axial support bearing. The projections 36 and 37 are connected with the yoke 41 (seen in Figure 1) by links 33, 38. The yoke 41 extends into the roll stand 1 and rests with its two ends on piston/cylinder arrangements 42, 43 arranged on brackets in the roll stand.

Appellant states “In the presently claimed invention, a further housing LG is attached to an end face of the bearing chock LS of the roll neck WZ. The housing ZG encloses a radiax bearing RA that is set on the neck extension ZA of the roll. A piston SK is arranged in a radial bore RB in the housing LG. The piston is connected via a bore with a pressure fluid. Via the piston SK a radial bending force can be applied to the neck extension ZA of the roll SW.”

Contrary to Appellants assertion, a simple reading of the claim will reveal these limitations are not present in the claim:

First “the housing ZG encloses a radiax bearing RA”. Nowhere in the claim is the phrase “radiax bearing” used. The bearing RA as described in the specification corresponds to the claimed axial support bearing, which in the rejection corresponds to the bearing 16 of Talbot.

Second, “A piston SK is arranged in a radial bore RB in the housing LG” is not found in the claim. The claim recites “a piston-cylinder unit operatively arranged for adjustably displacing the intermediate housing in the bearing housing in the radial direction relative to the axis of the neck extension”. Such a piston-cylinder unit is found in the arrangements 42, 43 of Talbot.

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Third, the language “the piston is connected via a bore with a pressure fluid” and “via the piston SK a radial bending force can be applied to the neck extension ZA of the roll SW” is nowhere to be found in the claim.

As noted in the rejection the claimed relationship between the piston-cylinder and the intermediate housing is clearly anticipated by the structure of Talbot. Appellant has not disputed the fact that any of the elements claimed are missing from Talbot, but only that they function differently from that described in the specification. The piston-cylinder arrangement of Talbot is operatively arranged to adjustably displace the intermediate housing (14), which is in the bearing housing (6), in the radial direction relative to the axis of the neck extension.

Appellants allegations of improvements over the complexity of Talbot are noted, however, they do not distinguish over the anticipatory reference to Talbot.

Appellant has failed to prove that each and every claim limitation is not found in the single prior art reference. Accordingly, the rejection is proper.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Thomas R. Hannon



Conferees:

Richard W.L. Ridley

Meredith Petravick

